

Ministry of Environment and Energy

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JANUARY 1997

Transfer of provincially owned water and sewage plants to municipalities

EXISTING OWNERSHIP STRUCTURE

Ontario municipalities currently own three-quarters of the 937 water and sewage works in the province.

Proposed legislation will encourage municipal ownership of all water and sewage facilities. The province will continue in its role of regulating and setting and enforcing standards.

LEGISLATION

The Water and Sewage Services Improvement Act, 1997, introduced for first reading on February 15, will clarify provincial and municipal roles in the delivery of water and sewage services.

Proposed legislation will give the Minister of Environment and Energy the authority to transfer title, including all lands, assets and liabilities, of the remaining 230 plants to local authorities.

DEFINING GOVERNMENT ROLES

In accordance with the recommendations of the Who Does What panel, headed by David Crombie, municipalities will assume full responsibility for local delivery of all water and sewage services.

The Ministry of Environment and Energy will focus on setting and enforcing high standards for the operation of water and sewage treatment plants.

- Measures are being developed to assist smaller municipalities facing financial hardship. Details will be made available at a later date.

CONTINUED ROLE OF THE ONTARIO CLEAN WATER AGENCY

- The Ontario Clean Water Agency (OCWA) will no longer own water or sewage services. However, it will continue to operate these works for the municipalities.

TIMETABLE FOR TRANSFERS

- Following passage of the legislation package, the Minister will transfer titles for individual water and sewage works to single municipalities. These transfers would take effect on the day the order is made.
- Municipalities will continue to make payments on outstanding debts, capital or otherwise, related to any transferred works until the province is fully repaid. Where OCWA is the operating agency, municipalities will continue to make operating payments to OCWA, under the terms of their operating arrangements.

AREA PLANS

- In the case of area plans (water and sewage works which service more than one municipality and where serviced municipalities are jointly responsible for the debts) ownership of these works will be transferred to the serviced municipalities jointly under a model municipal agreement.

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NEW LEGISLATION

- The **Water and Sewage Services Improvement Act, 1997**, introduced for first reading on January 15, will clarify provincial and municipal roles in the delivery of water and sewage services.
- Proposed legislation will give the Minister of Environment and Energy the authority to transfer full title, including all lands, assets and liabilities, of the remaining 230 plants to local authorities.

CLARIFIED GOVERNMENT ROLES

- In accordance with the recommendations of the Who Does What panel, headed by David Crombie, municipalities will assume full responsibility for local delivery of all water and sewage services.
- The Ministry of Environment and Energy will focus on setting and enforcing high standards for the operation of water and sewage treatment plants.

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- Shortly after promulgation of the bill, area plan municipalities will be provided with a proposed order specifying the terms of the management structure. The bill provides affected municipalities with a six-month opportunity to propose alternative ownership and management arrangements. Alternative proposals will be welcomed. The effective date of transfer would be at least nine months from the date of issue of the proposed management structure, unless participant municipalities agree on an alternative proposal.

REPAYMENT OF GRANTS

- Any municipality that proposes to sell all or part of its water or sewage works to the private sector would have to repay the face value (without interest) of any provincial capital grants it has received since 1978. In the event of a dispute on the amount to be repaid, the Minister would be given the power to determine the final amount.

SMOOTH TRANSITION

- The legislation contains provisions to ensure a smooth transition period. OCWA will continue to provide service to municipalities in accordance with existing agreements. In cases where agreements do not provide for a service termination date, municipalities can choose to retain an alternative service provider after a reasonable notice period.

CONSULTATION

- The legislation has been placed on the province's Environmental Registry in accordance with the public consultation provisions of the Environmental Bill of Rights. The registry is an electronic database, publicly accessible through home computers, ministry offices and local libraries by using one of the following methods:
1. Direct dial using a modem: Local (416 and 905) callers should dial 416-327-3000. Long distance callers should use 1-800-667-9979.
 2. Telnetting via the internet: Internet users may reach the registry using "telnet bbs.gov.on.ca".
 3. Using the world wide web: The registry can be accessed from the EBR home page on the MOEE web site at www.ene.gov.on.ca.

Copies of the draft legislation are available from Publications Ontario. Write to 50 Grosvenor St., Toronto, Ont., M7A 1N3 or phone (416) 326-5300 or, outside Toronto, 1-800-668-9938.

Any interested person will have an opportunity to review the proposed amendments and submit comments for consideration by the ministry before a final decision is made.

A fact sheet on responsibility for septic systems is also available. For that fact sheet or for more information on the transfer of water and sewage works to municipalities or any of the other changes proposed in the **Water and Sewage Services Improvement Act**, contact the:

Public Information Centre

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